

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1, 3-8 and 10-12 were previously pending in this application. No claims are canceled by this Amendment. Claims 1, 3, and 7 have been amended. As a result, claims 1, 3-8, and 10-12 are pending for examination with claim 1 being the only independent claim. No new matter has been added.

#### **35 USC § 112 Rejections**

Claims 1, 3-8, and 10-12 were rejected under 35 USC § 112 second paragraph for being indefinite or depending from an indefinite base claim. Applicants have amended the claims to resolve these matters of indefiniteness. Consequently, Applicants respectfully request that the rejections of claims 1, 3-8, and 10-12 be withdrawn.

#### **35 USC § 103(a) Rejections**

##### **I. Obviousness Rejection**

Claim 1 was rejected under 35 USC § 103(a) as being unpatentable over Fujiwara (US Patent No. 5,746,282) in view of Kozlowski (US Patent No. 6,218,796), Losego (US Patent No. 5,064,012), and Van Horn (US Patent No. 5,773,954). This rejection is traversed.

The Office Action states that it would have been obvious to one of ordinary skill in the art to modify the cart of Fujiwara with the docking rail of Losego in order to provide a convenient and automatic means to charge the battery. Applicants respectfully submit that it would not have been obvious to combine the teachings of Fujiwara with the teachings of Losego.

Fujiwara teaches a power-assisted cart. Fig. 2A shows a cart 10 that includes a platform 1, drive sources 6a and 6b, driving wheels 2a and 2b, front and rear caster wheels 3a and 3b, and handle 4.

Losego teaches a motorized shopping cart system comprising a chassis 12 suitable for stacking multiple carts 10 in a row, a drive unit 26 including an electric motor 52, and a

rechargeable battery 62, see Figs. 1 and 2. The system makes it easy to stack carts 10, with the batteries 62 being automatically recharged during such stacking from a fixed charger 74, see col. 6 lines 17-28. Each cart comprises a “feed bar” 72 suitable for recharging the battery 62 fixed beneath the wall of the drive unit that extends substantially horizontally in the longitudinal direction of the cart so as to have a front end 78 and a rear end 80 projecting beyond the front 42 and rear 44 walls of the drive unit, see Figs. 2-4. This configuration allows the front end 78 of the recharging bar 72 to form an electrical contact with the rear end 80 of the bar of the preceding cart 10 when the carts are stacked in a row, with the first cart in the row being connected directly to the charger 74, col. 5 line 54 – col. 6 line 28.

In Losego, the feed bar extends longitudinally from front to back of the cart beneath the drive unit 26 in order to form electrical connections between two or more carts when stacked in a row, see Figs. 2-4. Fujiwara teaches drive sources 6a and 6b that are fixed to the undersurface of the platform in line with each other and that are drivingly coupled with the left and right driving wheels 2a and 2b, see Figs. 2A and 2B.

One difficulty in combining the feed bar of Losego with cart of Fujiwara, is that the drive sources 6a and 6b of Fujiwara leave no room for a feed bar to pass through the undersurface of the base from front to back, see Fig. 2B of Fujiwara. If one were to attempt to combine the feed bar of Losego with the cart of Fujiwara despite this obstacle, the feed bar could only be mounted to the front or rear of drive sources 6a and 6b. Both locations present a difficulty in combining the designs of Fujiwara and Losego. If one were to mount the feed bar of Losego to the front or rear of the drive sources 6a and 6b of Fujiwara it would not be possible to create an electrical connection with both a cart to the front and rear since the feed bar cannot extend past the drive sources. This inability to connect with carts to the front and rear is counter to the disclosure of Losego which requires that an electrical connection be made with carts to the front and rear. As can be seen from the above discussion, merely mounting the feed bar of Losego to the cart of Fujiwara results in a device lacking the required functionality of Losego. Consequently, one of ordinary skill in the art would have had no reason to combine the teachings of Fujiwara and Losego.

Another difficulty in combining the feed bar of Losego with the cart of Fujiwara, is that the cart of Fujiwara is not designed to nest with other carts. The feed bar of Losego does not extend

past the front of the cart and thus requires the carts to the front and rear be nested to make an electrical connection, see Figs. 2-3 of Losego. Consequently, the combination of the feed bar of Losego with the cart of Fujiwara would result in a non-functioning cart unable to create an electrical connection with either the carts to the front or rear. Therefore, it would not be obvious to modify the cart of Fujiwara with the feed bar of Losego since it is especially configured to allow for recharging the batteries while the carts are nested in a row.

Ignoring the difficulties detailed above, even if Fujiwara could be modified with the feed bar disclosed in Losego, the bar would have to be further modified to extend beyond the front and back ends of the base of the cart in order to make contact with the feed bars of the other carts in the row since the carts cannot nest with each other. This could create a potential safety hazard. Given the potential safety hazard resulting from the combination, it would not have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara and Losego.

It should also be noted that shopping carts are provided in high numbers for many customers and need to be stackable so as to save space when they are stored. In contrast, cleaning carts serve a different purpose, wherein they are constantly filled with cleaning supplies and cleaning implements. Cleaning carts are also typically modular, with free access to the individual modules being required. The requirements of a cleaning cart being constantly filled with cleaning supplies and having free access to individual modules precludes it from being stacked in the manner of a shopping cart. Since shopping carts need to be stackable so as to save space when they are stored, it would not have been obvious to one of ordinary skill in the art to combine the teachings of the feed bar of Losego with the cart of Fujiwara.

## II. Non-Analogous Art

Applicants also respectfully submit that the examiner's reliance upon Fujiwara and Losego in rejecting the claims is improper because Fujiwara and Losego are nonanalogous art. To rely on a reference under §103, it must be analogous prior art, MPEP §2141.01(a). The claims are directed to a cleaning cart including a, "docking rail arranged in a marginal region of the base, the docking rail being constructed and arranged to be connectable to a charging rail for charging the accumulator.

Fujiwara is directed to a power-assisted cart capable of sensing an applied force and proportionally controlling drive sources 6a and 6b, see the abstract. Losego is directed to a system for motorizing a shopping cart and recharging a row of carts nested within each other, see col. 2 line 49 - col. 3 line 13. In essence, Fujiwara describes a control system while Losego describes a motorized cart with a recharging feature. Fujiwara is classified into classification 180/6.2 which includes motor vehicles steered by driving. Losego is classified in classification 180/19.1 which includes motor vehicles steered by a walking attendant. It should be noted that none of the patent classifications for Fujiwara or Losego reference a patent classification from the other patent with regards to performing a prior art search. Consequently, Fujiwara and Losego are within different areas of endeavor and represent non-analogous art.

In view of the forgoing, one of ordinary skill in the art would not have been led to consider modifying the cart of Fujiwara with the feed bar of Losego since they are non-analogous art. Accordingly Fujiwara and Losego cannot be combined to reject the current claims. Consequently, Applicants respectfully request that the rejections of the claims in view of Fujiwara and Losego be withdrawn.

### III. Claim 1 Amendment

Without acceding to the propriety of the rejection of claim 1, Applicants have herein amended claim 1 to recite, “an accumulator, arranged on the same side of the base as the at least three wheels...” This limitation is supported throughout the specification including, for example, Fig. 3.

Claim 1 has been amended to recite, “an accumulator, arranged on the same side of the base as the at least three wheels...” Losego discloses a battery 62 located in drive unit 26, see Fig. 1 - 2. Drive unit 26 is located above chassis 12, see Fig. 1. If drive unit 26 were alternatively located below chassis 12 it would interfere with the nesting of carts 10 with each other. Therefore, the now included claim limitation requiring an accumulator arranged on the same side of the base as the at least three wheels does not allow for nesting of carts 10 which is a requirement for the cart disclosed by Losego. Since, the newly included claim limitation

precludes one of the usage requirements for the cart of Losego it would not have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara with the teachings of Losego to obtain the current invention.

#### IV. Summary

In sum, several difficulties arise when attempting to combine the feed bar of Losego with the cart of Fujiwara: drive sources 6a and 6b of Fujiwara leave no room for the feed bar of Losego to pass through the undersurface of the platform and enable an electrical connection to the front and rear of the cart; the feed bar of Losego requires the carts to be nested to function and the cart of Fujiwara is not designed to nest with other carts; and even if Fujiwara could be modified with the feed bar disclosed in Losego, the bar would have to extend beyond the front and back ends of the base of the cart creating a potential safety hazard. Thus, it would not have been obvious to one of ordinary skill in the art to combine the teaches of Fujiwara with the teaches of Losego.

Furthermore, the prior art is not properly combinable because they are from diverse art areas rendering them non-analogous.

Also, Applicants have amended claim 1 to further distinguish from the prior art.

For at least these above reasons, claim 1 is patentable over the combination of Fujiwara, Kozlowski, Losego, and Van Horn. In light of the above, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Dependent claims 3-8 and 10-12 depend from independent claim 1 and are allowable for at least the same reasons. Accordingly withdrawal of the rejections of these claims is also respectfully requested.

#### **CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance and a Notice of Allowance is respectfully requested. If the Examiner believes that minor clarifying amendments to the claim would be helpful, the Examiner is requested to call the undersigned at the telephone number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. H0075.70115US00 from which the undersigned is authorized to draw.

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Respectfully submitted,

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